

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 12, 2009

DIVISION THREE

B211893 People (Not for Publication)

V.

Franklynn Newton Brundige III

The appeal is dismissed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B208383 People (Not for Publication)

V.

Steven Michael Conklin

The judgment is affirmed. The abstract of judgment is to be amended to correctly reflect a conviction for violating section 290 on count 1, and consecutive sentencing on counts 3 and 4. The clerk of the superior court is directed to prepare and forward to the Department of Corrections and Rehabilitation and amended abstract of judgment.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (continued)

B207784 People (Not for Publication)
v.
Kenneth Lavelle Finnell

The judgment is modified with respect to count two to reflect a concurrent term of three years for assault with a deadly weapon, plus four years for the firearm enhancement for a total term of seven years. In all other respects, the judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B212440 People (Not for Publication)
v.
Larry Darnell Shields

The convictions are affirmed. The sentence is modified as follows: the criminal street gang enhancement findings (§ 186.22, subd. (b)) are stricken; the firearm use enhancement (§ 12022.53, subd. (d)) attached to count 2 shall run concurrently to the sentence imposed on count 1. The clerk of the superior court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

November 12, 2009 (Continued)

DIVISION THREE (continued)

B209102 People (Not for Publication)
v.
Eldred Benard Burge

The judgment is ordered modified to reflect a stayed term on count four. As so modified, the judgment is affirmed. The trial court shall prepare and forward to the Department of Corrections and Rehabilitation a certified copy of the amended abstract of judgment.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B206528	City of La Mirada	(Not for Publication)
	v.	
	Southern California Association of Governments	
B207467	City of Palmdale	
	v.	
	Southern California Association of Governments	

The judgments are affirmed. Respondent to recover its costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

DIVISION FOUR (continued)

Each of the following:

B217914 A.G. v. SCLA (DCFS)
B212040 People v. Maldonado
B210054 People v. Felix
B208392 People v. Fernandez
B213309 DCFS v. Sakeenah S.
B214768 Richardson v. Richardson
B212954 Estrada v. LAUSD

Argument waived, cause submitted.

B203163 Marina Glencoe
v.
Neue Sentimental Film

Merits:

Argued by Julian A. Simonis for appellant and by Adrienne R. Salerno for respondent. Cause submitted.

B211590 Rabin
v.
Lotta

Merits:

Argued by Jack Rabin appellant in propria persona and by Michael A. Lotta respondent in propria persona. Cause submitted.

B209916 People
v.
Adams

Merits:

Argued by Laura S. Kelly for appellant and by Michael J. Wise, Deputy Attorney General for respondent. Cause submitted.

DIVISION FOUR (continued)

B212098 One Star, Inc.
 v.
 Staar Surgical Company

Merits:
Argued by William Forman for appellant and by Monica Vu for
respondent. Cause submitted.

B211298 Lollicup USA, Inc.
 v.
 Ng

Merits:
Argued by Michael Oberbeck for appellant and by Joon M. Khang for
respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy
Clerk.

Each of the following:

B210735 People v Alderete
B212368 People v. Smith
B212034 DCFS v. L.P.
B214775 DCFS v. R.O.
B213861 DCFS v. H.R.

Argument waived, cause submitted.

DIVISION FOUR (continued)

B207218 People
 v.
 Dean

Merits:

Argued by William L. Heyman for appellant and by Rama R. Maline,
Deputy Attorney General for respondent. Cause submitted.

B213099 Kim
 v.
 Hanmi Bank

Merits:

Argued by Rosa Kwong for appellant. No appearance for respondent.
Cause submitted.

B212674 Murray Company
 v.
 California Occupational Safety and Health Appeals Board
 California Department of Industrial Relations

Merits:

Argued by Jennifer D. Cantrell for appellant, by J. Jeffrey Mojcher for
respondent and by William C. Cregar for real party in interest. Cause
submitted.

B213392 Chatard
 v.
 Oveross

Merits:

Argued by Kenneth W. Kossoff for appellant and by Marc L. Sallus for
respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

B206803 People
 v.
 Victoria Jean Ferrell, et al.

Filed order denying petition for rehearing. Justice Mosk would grant rehearing.

DIVISION SIX

Court convened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B207904 People v. Lomeli
B210115 People v. Nelson
B210393 People v. Guggenmos
B210412 People v. Gallegos
B210522 People v. Lennan
B211560 People v. Dandurand
B211617 People v. O'Hickey
B212134 People v. Ayala
B212158 People v. Torrez
B212804 People v. Avila
B214870 People v. Flores

Argument waived, cause submitted.

DIVISION SIX (continued)

B209112 People
 v.
 Melendez, Velasquez and Nieto

Merits:

Argued by Joanna McKim for appellant Melendez via video conference and by Michael A. Katz, Deputy Attorney General, for respondent via video conference. Appellant Velasquez and appellant Nieto previously waived argument.

The court allows appellant Melendez' counsel fourteen (14) days to serve and file a supplemental letter brief regarding *People v. Concha* (Nov. 12, 2009, S163811) ___Cal.4th___. Respondent's counsel is allowed fourteen (14) days thereafter to serve and file a reply. Submission is deferred thirty (30) days.

B209658 People
 v.
 Snyder

Merits:

Argued by Linda Rush for appellant and by Robert S. Henry, Deputy Attorney General, for respondent via video conference. Cause submitted.

B204980 People
 v.
 Gomez

Merits:

Argued by Carol K. Lysaght for appellant and by Corey J. Robins, Deputy Attorney General, for respondent via video conference.

The court allows appellant's counsel fourteen (14) days to serve and file a supplemental letter brief regarding *People v. Concha* (Nov. 12, 2009, S163811) ___Cal.4th___. Respondent's counsel is allowed fourteen (14) days thereafter to serve and file a reply. Submission is deferred thirty (30) days.

DIVISION SIX (continued)

Perren, J. left the bench.

B212958 People
 v.
 Fisher

Merits:

Argued by Robert Charles Kasenow for appellant and by Susan Sullivan-Pithey, Deputy Attorney General, for respondent via video conference. Cause submitted.

B215822 People
 v.
 J.M.

Merits:

Argued by Suzan E. Hier for appellant and by Sharlene A. Honnaka, Deputy Attorney General, for respondent. Cause submitted.

Court recessed.

Court reconvened at 3:10 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Senior Deputy Clerk.

B210291 People
 v.
 Nitschmann

Merits:

Argued by Joseph D. Allen for appellant and by Susan Sullivan-Pithey, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (continued)

B208015 People
 v.
 Tribble

Merits:

Argued by Barry Tarlow for appellant and by Jaime L. Fuster, Deputy Attorney General, for respondent. In open court appellant's counsel presented an exhibit (a typewritten list of drugs) for the court to consider in connection with this appeal. No objection by respondent's counsel. Cause submitted.

Court recessed.

Court reconvened at 4:10 p.m.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Also present as part of the Court's Community Outreach Program are students from Ventura County Community College, and their instructors Mr. Ted Prell and Mr. Richard Goffng.

B213112 People
 v.
 Trout

Merits:

Argued by Michael C. McMahon, Ventura Co. Chief Deputy Public Defender, for appellant and by Sharlene A. Honnaka, Deputy Attorney General, for respondent. Cause submitted.

Court adjourned.

DIVISION SEVEN

B211331 City of Los Angeles (Certified for Publication)

v.

Workers Compensation Appeals Board

California Death Without Dependents Unit, et al.,

The order of the WCAB awarding a death benefit to the DWD Unit is annulled. Each party is to bear its own costs in this writ proceeding.

Perluss, P.J.

We concur: Woods, J.

 Zelon, J.

B215215 Michael Cassel (Certified for Publication)

v.

Superior Court, Los Angeles County

(Wasserman, Comden, Casselman & Pearson, L.L.P. et al., r.p.i.)

The petition for writ of mandate is granted. The trial court is directed to vacate its orders of April 1 and April 2, 2009, and to issue a new order denying Wasserman Comden's motion in limine to exclude evidence of Cassel's communications with his own attorneys and evidence of conduct by Cassel engaged in only in the presence of his own counsel, all of which occurred outside the presence of any opposing party (or its authorized representatives) or any mediator (as defined in § 1115, subd. (b)) prior to and on the same days as the mediation of the Von Dutch lawsuit. The temporary stay order is hereby terminated. Cassel shall recover his costs of this proceeding.

Jackson, J.

I concur: Zelon, J.

I dissent: Perluss, P.J. (Opinion)

DIVISION SEVEN (continued)

B209627 Lori Solomon (Not for Publication)
 v.
 Steven Solomon

The judgment is affirmed. Plaintiff is awarded her costs of appeal.

Jackson, J.

We concur: Perluss, P.J.
 Woods, J.

DIVISION EIGHT

B210459 State of Arizona (Certified for Publication)
 v.
 Yuen

The orders are affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
 Mohr, J. (Assigned)

B212150 People (Not for Publication)
 v.
 Nero

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
 Bigelow, J.